## UNITED STATES OF AMERICA

## BEFORE THE NATIONAL LABOR RELATIONS BOARD

LE FORT ENTERPRISES, INC. d/b/a MERRY MAIDS OF BOSTON

**Employer** 

and Case 01-RC-097257

INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL, ORNAMENTAL AND REINFORCING IRON WORKERS, LOCAL 7, AFL-CIO

Petitioner

## DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered an objection to an election held March 28, 2013, and the hearing officer's report recommending disposition of it. The election was conducted pursuant to a Decision and Direction of Election. The tally of ballots shows 16 for and 12 against the Petitioner, with 1 challenged ballot, an insufficient number to affect the results.

The Board has reviewed the record in light of the exceptions and brief, has adopted the hearing officer's findings<sup>1</sup> and recommendations,<sup>2</sup> and finds that a certification of representative should be issued.

<sup>1</sup> 

<sup>&</sup>lt;sup>1</sup> The Employer has excepted to some of the hearing officer's credibility findings. The Board's established policy is not to overrule a hearing officer's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). We find no basis for reversing the findings.

<sup>&</sup>lt;sup>2</sup> In adopting the hearing officer's recommendation to overrule the objection, we agree with the hearing officer that none of the conduct at issue rises to the level of objectionable third-party

## CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local 7, AFL-CIO, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time maids and housecleaners employed by the Employer at its 83 Damrell Street, South Boston, Massachusetts location, but excluding office clerical employees, professional employees, guards and supervisors as defined in the National Labor Relations Act

Dated, Washington, D.C., December 3, 2013

Mark Gaston Pearce,	Chairman
Kent Y. Hirozawa,	Member
Harry I. Johnson, III,	Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

conduct. We further find no merit to the Employer's contention on exception that the cumulative impact of the conduct warrants setting aside the election.

In so finding, Member Johnson acknowledges the serious nature and timing of the comments about discharging undocumented workers, but notes that there was no evidence presented that these statements were made to, or overheard by, employees before they voted. Further, the comments threatening to discharge new employees, heard by some employees before they voted, alone are insufficient to warrant setting aside the election, since they were made by individuals without authority to discharge employees.